

EXHIBIT B

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Fax / Phone:

To: Luisa Bigornia
BioMarin Pharmaceuticals Inc.

(415) 382-3511 / (415) 884-6709

From: Maria L. Masbins
202-942-8452

Date: August 4, 2003

Note:

Please find attached declarations for execution

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Client Matter Number: 104385.140

Return To: Jacquelyn Price

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MARIA L. MAEBIUS

202-942-8452
maria.maebius@haleanddorr.com

August 4, 2003

VIA FACSIMILE

Dr. Luisa Bigornia
BioMarin Pharmaceuticals Inc.
371 Bel Marin Keys Boulevard, Suite 210
Novato, CA 94949

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory Response
Inventors: Bennett et al.; Filed: September 27, 1996
Our Reference No.: 104385.140

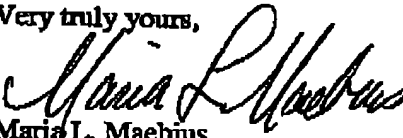
Dear Luisa:

Further to our letter of March 20, 2003, we have received a Board of Patent Appeals and Interferences Docketing Notice from the U.S. Patent and Trademark Office. The above referenced application has been assigned Appeal No. 2003-1678.

In addition, attached are the four Declarations under 37 CFR 1.132 for the execution by Dominique Fink, Elizabeth Cauchon, Brigitte Groulx, and Ariane Hsia for your review. Please let me know if you need assistance locating these inventors.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Maria L. Maebius

MLM:dal
Enclosure
cc: Hollie Baker

BOSTON LONDON MUNICH NEW YORK OXFORD PRINCETON RESTON WALTHAM WASHINGTON

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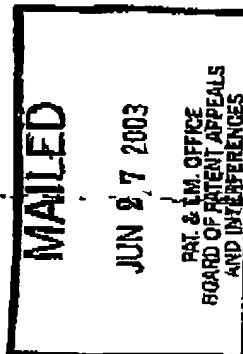
United States Patent and Trademark Office

United States Patent and Trademark Office
Directorate of International Programs and
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Washington, DC 20231

www.uspto.gov

HOLLIE L. BAKER
HALE & DORR LLP
60 STATE STREET
BOSTON, MA 02109

Paper No: 49
Appeal No: 2003-1678
Appellant: BENNETT, D. CLARK
Application: 08/722,659



Board of Patent Appeals and Interferences Docketing Notice

Application 08/722,659 was received from the Technology Center at the Board on June 11, 2003 and has been assigned Appeal No: 2003-1678.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: November 4, 2002
Reply Brief filed on: March 13, 2003
Request for Hearing filed on: None

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

HALE & DORR DOCKETING
RE: 104503-140 652
Action Date: 7-13-03
Action to be Taken: DLD
Docketed By: BMB 7-15-03

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
BENNETT *et al.*

)
) Group Art Unit: 1644

Serial No.: 08/722,659

)
) Examiner: A. DeCloux

Filed: September 27, 1996

)
)
) For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF ARIANE HSIA**

I, Ariane Hsia, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Brigitte Grouix, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.

2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.

3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.

4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Ariane Hsia

COPY

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
BENNETT *et al.*) Group Art Unit: 1644
Serial No.: 08/722,659) Examiner: A. DeCloux
Filed: September 27, 1996)
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF ELIZABETH CAUCHON**

I, Elizabeth Cauchon, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Dominique Fink, Brigitte Groulx, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Elizabeth Cauchon

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Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
BENNETT *et al.*) Group Art Unit: 1644
Serial No.: 08/722,659) Examiner: A. DeCloux
Filed: September 27, 1996)
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF DOMINIQUE FINK**

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

Dominique Fink

this __ day of _____, 2003.

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Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
BENNETT *et al.*

Serial No.: 08/722,659

Filed: September 27, 1996

For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Group Art Unit: 1644

Examiner: A. DeCloux

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF BRIGETTE GROUX**

I, Brigitte Groux, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Canchon, Dominique Fink, Arlane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Brigette Groulx

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EXHIBIT B

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Attorney Docket N . 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
BENNETT *et al.*

Group Art Unit: 1644

Serial No.: 08/722,659

Examiner: M. Jamroz

Filed: September 27, 1996

For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231DECLARATION UNDER 37 C.F.R. § 1.132
OF ISRAEL VLODAVSKY

I, Israel Vlodavsky, do hereby declare that:

1. I am a professor at Hadassah University Hospital, in Jerusalem, Israel.
2. I am a joint inventor of the subject matter claimed in U.S. Patent No. 5,997,863 ('the '863 patent'), along with Joseph Zimmermann, D. Clark Bennett, Pamela Danagher, and Richard Broughton.
3. I am informed and believe that the '863 patent has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
4. While I was a co-inventor, I did not make an inventive contribution to the subject matter recited in paragraph 3. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29. It is my belief that, of

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the named joint inventors of the '863 patent, Bennett and Danagher were the ones who contributed to the subject matter described in Example 8.

5. The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at Israel, Jerusalem
this 29 day of July, 2002.


Israel Vlodavsky

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